

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 5, 2005
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance, led by Mike Green with Davie United Methodist Church.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul (arrived at 7:20 p.m.) and Starkey. Also present were Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules for the Open Public Meeting.

Bryan Caletka, 6332 SW 39 Court, advised that he was a candidate for the District 1 Council seat and complained about residents having to pay for postage for the mail ballot election. He also requested that Council consider retaining an in-house attorney as he felt this would save the Town money.

John Ladue spoke about Virginia Mucha, co-owner of Bob's Towing, who recently passed away.

Casey Lee, Central Broward Water Control District Commissioner and a member of the Town's Open Space Advisory Committee, voiced her concerns about improper planting, landscaping and irrigation being done throughout the Town. She discussed the poor maintenance in the Town's open spaces and right-of-ways.

Karen Stenzel-Nowicki recognized two "good Samaritans" who jumped into the C-11 canal to rescue individuals who had crashed into the water. She requested that the Town's police officers be commended for bravery. Mayor Truex felt this was a good suggestion and agreed that residents who risked their lives should be recognized.

Mayor Truex closed the Open Public Meeting.

Mayor Truex announced that item 6.1 needed to be tabled to November 2, 2005.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table. In a voice vote, with Councilmember Paul absent, all voted in favor. (Motion carried 4-0)

Mr. Kovanes requested that item 4.9 be tabled to allow staff to gather additional relevant information.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to table to October 19, 2005. In a voice vote, with Councilmember Paul absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that items 4.12, 4.13, and 4.14 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to add. In a voice vote, with Councilmember Paul absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that item 9.2 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to add. In a voice vote, with Councilmember Paul absent, all voted in favor. (Motion carried 4-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. August 3, 2005 (Regular Meeting)

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- 4.2. August 17, 2005 (Regular Meeting)
- 4.3. August 26, 2005 (Emergency Meeting)

Proclamations

- 4.4. Government Week (October 16-22, 2005)
- 4.5. Broward County Public Schools Day (October 15, 2005)

Home Occupational License

- 4.6. Truman Home Inspections, 2440 SW 115 Terrace

Resolutions

- 4.7. **BUS TRANSIT SERVICE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF QUALITY TRANSPORT SERVICES, INC. TO PROVIDE BUS TRANSIT SERVICES FOR THE GREEN ROUTE AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES. (tabled from September 7, 2005)
R-2005-265
- 4.8. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE "FIRE AND PUBLIC WORKS ADMINISTRATION BUILDING AND PUBLIC WORKS STORAGE BUILDING". (Seldin Construction Company - \$2,825,200)
R-2005-266
- 4.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SUPPLY AND INSTALLATION OF A MANUFACTURED BUILDING TO SERVE AS A TEMPORARY FIRE STATION AT SHENANDOAH PARK. (Payless Mobile Home Sales, Inc. - \$69,500)
- 4.10. **MEMO OF UNDERSTANDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A NON-BINDING MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF DAVIE, FLORIDA AND JOHNSON CONTROLS, INC.
R-2005-267

Quasi-Judicial Consent Agenda

- 4.11. SP 12-1-04, Flamingo Ranch Estates, 11900 SW 14 Street (A-1 (tabled from September 21, 2005) *Site Plan Committee recommended approval based on the planning report and 1) to address the issue of the Rural Lifestyle Code §12-289(A)(2), "of the six-hundred-foot block" [block length is approximately 1,200 linear feet] regarding a required pathway into a community; 2) on the south property line, install a chain-link fence and a hedge on petitioner's property, however, the hedge is to be maintained by the property owners to the south; 3) on the recreation trail connection at the east, to be continued northeast and connect up to the horse trail which goes across the canal and continues east, as it crosses 14th Street, that it be marked as a crossing; and 4) at the trails on SW 121 Avenue and 14 Street, that the proper markings be made to make the crossings on both those roads*

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Items to be added

4.12. TU 9-1-05, Rick Case Hyundai Tent Sale, 3550 Weston Road

4.13. TU 9-3-05 Davie United Methodist Church, 6500 SW 47 Street

4.14. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2005-268 TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE MIAMI
DOLPHINS FOR THE RENTAL OF THE BERGERON RODEO GROUNDS

Mayor Truex pulled item 4.2. Vice-Mayor Hubert pulled item 4.7. Councilmember Starkey pulled items 4.4 and 4.5. Mr. Kovanes pulled items 4.8 and 4.11.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve the Consent Agenda minus items 4.2, 4.4, 4.5, 4.7, 4.8, and 4.11. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.4 Mayor Truex read the proclamation declaring October 16-22, 2005 as Government Week.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

4.5 Councilmember Starkey read the proclamation declaring October 15, 2005 as Broward County Public Schools Day. She requested that a copy of the proclamation be sent to each school in the County as this was an important week.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Paul, absent all voted in favor. (Motion carried 4-0)

4.7 Vice-Mayor Hubert wanted a locked-in price for bus service in light of rising gas costs. Assistant Town Administrator Ken Cohen advised that the contract would come before Council at a later date. Vice-Mayor Hubert voiced her concerns about lack of east-west connectivity for the routes.

Programs Manager Susan Dean advised of the routes that were connected and explained that there would be a wait required, although a rider could take a Broward County bus to avoid this situation. Vice-Mayor Hubert asked what could be done about the delay caused by the loop in the route. Ms. Dean advised that staff could talk to the County about possibly staggering time schedules to address this problem. Regarding pricing, Ms. Dean indicated that the contract price would likely be for three years.

Councilmember Starkey spoke of several on-going complaints received about the current bus service for the blue route and quoted Broward County Commissioner Rodstrom's disapproval of the service. She asked if the firms ranked had been asked about possible future price increases. Procurement Manager Herb Hyman advised that at the time of the Town's presentation, Quality Transportation had indicated it would possibly come back for an increase, while Limousines of South Florida had indicated its pricing would not change.

Councilmember Crowley voiced his concerns about the serious complaints received about Quality Transportation. Mayor Truex asked if Council objected to the companies coming before Council, who would then select a vendor. Councilmember Starkey stated that this would not make her any more comfortable about Quality Transportation.

Councilmember Paul spoke of her previous complaints about Quality Transportation's service. She felt another company deserved an opportunity to service this route.

Mayor Truex asked whether Council could select a vendor that evening, or if it had to give notice about its selection process.

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Councilmember Crowley made a motion, seconded by Councilmember Paul, to deny the choice of Quality Transportation.

Councilmember Starkey requested that Mark Levitt speak to Council on the fuel price issue.

Mark Levitt, Limousines of South Florida, indicated that his firm was willing to provide service for the first month at no cost, and stated that his price was firm.

Mr. Kovanes asked that signage on the buses be provided by Limousines of South Florida. Mr. Levitt agreed. Councilmember Paul requested that the signage in front be very large.

In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the second-ranked firm, Limousines of South Florida. In a voice vote, all voted in favor. (Motion carried 5-0)

4.2 Councilmember Paul made a motion, seconded by Mayor Truex, to table to October 19, 2005.

Mayor Truex requested that Pastor Ricky Fernandez be listed as the “unidentified man” on page 2, under item 3.6.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Councilmember Paul spoke of her previous request for information on the fire bond and the progress being made. Mayor Truex asked if this item was time sensitive. Mr. Kovanes responded in the negative. Councilmember Paul asked if the bond had been issued yet. Budget and Finance Director William Underwood advised staff was waiting to complete the 2004 financial audit.

Councilmember Paul asked why the fire and public works buildings had been combined under the same bond. Fire Chief Don DiPetrillo advised that staff had determined it would be more cost effective to combine them due to drainage issues on the site. Councilmember Paul asked how much of the \$2.8 million for construction would come from the fire bond. Chief DiPetrillo advised that this figure was listed as the last item on the expenditure summary.

Mr. Kovanes advised Council that this was actually a time-sensitive item due to a 90-day window.

Mayor Truex asked if public participation had been held on this matter. Mr. Kovanes responded affirmatively.

Councilmember Paul asked that periodic updates of the bond issue be given. Mr. Underwood indicated staff would do this.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve.

Mr. Kiar referred to a scriveners’ error on page 2, paragraph 8, where a word appeared to be missing.

Councilmember Crowley amended the motion, seconded by Vice-Mayor Hubert, to approve subject to language to be added by Mr. Kiar. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Bruce Dell summarized the planning report.

Councilmember Paul asked if the trail would be maintained by the homeowner’s association. Gus Aguirre, representing the petitioner, advised that the trail was within a dedicated right-of-way and should be maintained by the Town. He felt the homeowner’s association would not object to maintaining the trail if this was Council’s wish.

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Councilmember Paul suggested that the money from the 10-year bond be used by the Town to maintain the 14th Street trail. Mr. Kiar advised that staff would require a cost estimate for the bond.

Councilmember Paul asked Mr. Bernard about additional work needed on the trail that might be included in the bond. Mr. Kiar swore in Public Works Director/Capital Projects Director Bruce Bernard. Mr. Bernard spoke of the need for asphalt and advised that four inches of rock and four inches of fill would be needed to stabilize the trail. He felt that for long-term costs, the Town should leave the maintenance to the homeowner's association.

Councilmember Starkey advised that she had met with Mr. Aguirre on this matter. She wanted the documents to state that the homeowner's association would be responsible for maintenance and that the trail would not be fenced through as it was an easement trail dedicated to the Town.

An unidentified man clarified that they had met on September 23rd and not on September 2nd as indicated in the latter and that the asphalt area was for the portion of the right-of-way on SW 14th Street.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Crowley disclosed that he "met with Mr. [no last name provided], I see him everyday for the past two weeks, I'm sure we talked about it."

Mayor Truex asked if the 10-year bond would be paid directly to the Town. Mr. Aguirre stated that the money would go to whoever did the maintenance. Vice-Mayor Hubert pointed out that the petitioner would have to charge more money for the price of the homes to cover the bond. Councilmember Paul stated that the bond would go back to the developer.

Councilmember Paul made a motion to approve subject to "all of the Site Plan Committee recommendations and the fact that the 14th Street trails should be stabilized and maintained by the homeowner's association and that there should be a 4-inch rock and 4-inch fill and sodding." Councilmember Starkey seconded the motion, subject to having the homeowner's association documents include Council's recommendation as discussed. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6. PUBLIC HEARING

Quasi Judicial Item

6.1. PLANNING AND ZONING BOARD TABLED TO OCTOBER 12, 2005; COUNCIL CAN TABLE TO NOVEMBER 2, 2005

SE 6-1-05, O'Brien/Sam Jazaryi, Nova 95, Inc., 2240 SW 71 Terrace (M-1, Old Code)
(permit for an outdoor running track)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Airport Advisory Board (one exclusive appointment - Councilmembers Crowley and Paul; terms expire December 2005)

No appointments were made.

7.2. Open Space Advisory Committee Agency (one exclusive appointment - Vice-Mayor Hubert; term expires April 2006)

No appointment was made.

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7.3. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)
No appointments were made.

7.4. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)
No appointments were made.

7.5. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex and Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)
No appointments were made.

8. OLD BUSINESS

No old business was discussed.

9. NEW BUSINESS

9.1. Farmer's Market - Agricultural Advisory Boardmember Susan Starkey

Councilmember Starkey advised that the Agricultural Advisory Board unanimously supported the creation of a Farmer's Market to be called Davie's Green Market to encourage the local community to exhibit and sell fresh, homegrown produce. She distributed drafts of other Farmer's Markets plans for fresh produce to be sold. Councilmember Starkey spoke of similar efforts in other local municipalities and felt this represented what Davie stood for. She added that the Board had suggested scheduling the Farmer's Market to coincide with the Bergeron Rodeo activities. Other suggestions included partnering with Naturescape Broward about planting and building.

Vice-Mayor Hubert felt that small farmers would not get the necessary tax identification numbers to participate in this endeavor. Councilmember Starkey advised that Special Projects Director Bonnie Stafiej would be responsible for authorizing who would be exempt from these rules. She stated that the Town could provide the umbrella insurance needed.

Councilmember Paul was pleased with Council's efforts to promote more agricultural activities. She wanted staff to look into assistance from the Farm Bureau and the costs to the Town. Councilmember Starkey indicated that the Community Redevelopment Agency and the 4-H Club were willing to help Council with this effort.

Mayor Truex asked that Mr. Kovanes look into this further and if it became cost prohibitive, to report to Council.

9.2 Certification of Open Space Ballot Election Results

Town Clerk Muniz read the results of the mail ballot election for the Open Space Bond. He stated that 6,838 ballots were cast, with 4,127 votes in favor and 2,696 votes against.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to certify the election results. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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**10. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER STARKEY**

HURRICANE EFFORTS. Councilmember Starkey spoke of the Town's progress in providing Davie residents with Hurricane Katrina relief. She advised she was working on a benefit concert at Bailey Hall at Broward Community College and spoke of the need for talent. Councilmember Starkey stated that www.daviehurricanerelief.org had been updated and was progressing well in providing relief.

Councilmember Starkey asked that residents and staff consider supporting a sister city in the Gulf Coast such as the city of Long Beach, and Pass Christian High School in Mississippi, where severe damage had been sustained.

Councilmember Starkey advised that North Broward Hospital District and Broward Community college had been holding food drives for additional relief.

Councilmember Starkey advised that she had been invited to visit Everglades Mobile Home Community the previous evening, where she had seen photos of damaged or destroyed mobile homes. She spoke of the desperate need for support for several residents. Councilmember Starkey discussed the need for emergency response teams to be adequately prepared for storms.

COUNCILMEMBER CROWLEY

WORKSHOP. Councilmember Crowley spoke of comments made by Mrs. Osborne and Mr. Gill, regarding scheduling a workshop with the CRA. Mr. Kovanes advised that a date was being worked out.

CAFR. Councilmember Crowley thanked Budget and Finance for completing the Comprehensive Annual Financial Report on time.

VICE-MAYOR HUBERT

SCHEDULING OF WORKSHOPS. Vice-Mayor Hubert spoke of the need for Council to schedule workshops after work and not during the workday. Council agreed.

HAPPY HOLIDAY. Vice-Mayor Hubert wished the Jewish community a happy holiday.

COUNCILMEMBER PAUL

HAPPY HOLIDAY. Councilmember Paul wished residents a happy holiday.

INCORRECT BILLS. Councilmember Paul spoke of incorrect bills received from Waste Management.

OPEN SPACE BOND. Councilmember Paul thanked residents who voted for the open space bond. She felt it was important for Council to hold public workshops, district by district, on how to spend the bond funds.

BERM BREACH. Councilmember Paul advised that Blackhawk property had breached a berm and was draining onto the Pan American Groves property. Mayor Truex advised that Blackhawk Property was welcome to come before Council to speak on this.

Town Engineer Larry Peters advised that he had contacted the owner of Blackhawk Property who had corrected the breach. He advised that he had walked the entire property and found no further problems.

MAYOR TRUEX

OPEN SPACE BOND. Mayor Truex asked for a summary report on how the Open Space Bond funds would be utilized. Mr. Kovanes advised that he would prepare a program for Council. Mayor Truex wanted representation from the entire Town.

Councilmember Starkey felt it was important that the program include input from the Water and Environmental Advisory Board, the Parks and Recreation Advisory Board and the Open Space Advisory Board.

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11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 8:55 p.m.

Approved _____

Mayor/Councilmember

Town Clerk